

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PATRICIA A. BARRETT,

Plaintiff,

CV 05-86-HA

v.

ORDER

AON CORPORATION, COMBINED
INSURANCE COMPANY OF AMERICA,

Defendants.

HAGGERTY, Chief Judge:

Before the court is defendants' Motion to Dismiss (Doc. #7). For the following reasons, this motion is granted.

Plaintiff filed this action on October 27, 2004, in Multnomah County Circuit Court. She alleged unlawful employment discrimination on the basis of disability in violation of O.R.S. 659A.112 and 42 U.S.C. § 12110, and worker's compensation discrimination in violation of O.R.S. 659A.150 and 29 U.S.C. § 2601. On January 21, 2005, defendants removed the case to

federal court. On February 11, 2005, defendants filed the pending motion to dismiss. Plaintiff, proceeding *pro se*,¹ did not file a response.

Defendants move to dismiss plaintiff's Complaint, asserting that plaintiff failed to serve the Complaint on either defendant, the Complaint fails to state a claim on which relief may be granted, and that plaintiff has failed to establish subject matter jurisdiction. Because the court finds that plaintiff failed to properly serve defendants, it is unnecessary to proceed to defendants' other arguments.

Oregon Rule of Civil Procedure 7D(3)(b)(i) provides that for service of process on corporations, the "primary service method" is "[b]y personal service or office service upon a registered agent, officer, director, general partner, or managing agent of the corporation or limited partnership, or by personal service upon any clerk on duty in the office of a registered agent."

Here, the Summons indicates that the Complaint was served to "Corporation Service Company, Registered Agent for Aon Service Corporation." Corporation Service Company is not an agent for either of the named defendants. Plaintiff has not shown that service was perfected by any other method or on any other person. Accordingly, plaintiff has failed to properly serve defendants and defendants' Motion to Dismiss is granted. Plaintiff's Complaint is dismissed. The court notes that plaintiff may file a new Complaint and properly effectuate service on defendants, provided that the applicable statutes of limitations for her claims have not run.

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¹ The court notes that the Summons appears to be signed by an attorney.

CONCLUSION

Defendants' Motion to Dismiss (Doc. #7) is GRANTED.

IT IS SO ORDERED.

DATED this 16 day of March, 2005.

/s/Ancer L.Haggerty

Ancer L.Haggerty
United States District Judge